

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*L. Benjamin*

-v-

*J. Benjamin, et al*

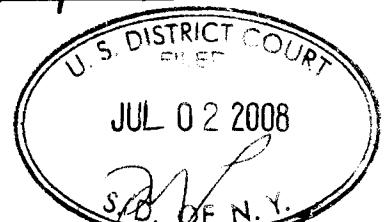
Document # 7

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08-cv-2104

JUDGE: KMW

DATE: July 2, 2008



**INDEX TO THE RECORD ON APPEAL**

PREPARED BY (NAME): THOMAS R. PISARCYK  
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**DISTRICT COURT DOCKET ENTRIES -----**

DOCUMENT DESCRIPTION	DOC. #
<u>CLERK'S CERTIFICATE</u>	_____
<u>SEE ATTACHED LIST OF NUMBERED DOCUMENTS</u>	_____
<b>** ONLY CIRCLED DOCUMENTS ARE INCLUDED **</b>	
<b>** ALL OTHERS MISSING AT THIS TIME **</b>	

Original Record       Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 2nd Day of July, 2008.

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**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_\_ Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

**BALANCE OF FILE MISSING AT THIS TIME**

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,  
this 2nd Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of  
the United States this 232<sup>ND</sup> year.

J. Michael McMahon, Clerk

By \_\_\_\_\_

*[Signature]*  
Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court****United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-02104-KMW**  
**Internal Use Only**

Benjamin v. Benjamin et al  
 Assigned to: Judge Kimba M. Wood  
 Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/03/2008  
 Date Terminated: 03/03/2008  
 Jury Demand: Plaintiff  
 Nature of Suit: 555 Prisoner: Prison Condition  
 Jurisdiction: Federal Question

Date Filed	#	Docket Text
03/03/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Jeffrey Benjamin.(mbe) (Entered: 03/11/2008)
03/03/2008	2	COMPLAINT against Lester Benjamin, Administration Operation of Classification, Imam Muhammad, Anderson. Document filed by Jeffrey Benjamin.(mbe) (Entered: 03/11/2008)
03/03/2008		Magistrate Judge James C. Francis is so designated. (mbe) (Entered: 03/11/2008)
03/03/2008	3	ORDER OF DISMISSAL, I grant plaintiff's request to proceed in forma pauperis, but dismissed the complaint for the following reasons. Plaintiff seeks to assert violation of his rights based on New York Correction Law, his claims must be dismissed because they do not allege a violation of a right protected by the United States Constitution or federal statutes as required for a claim under 42 U.S.C. 1983. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 3/3/2008) (mbe) (Entered: 03/11/2008)
03/03/2008	4	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 3/3/2008) (mbe) (Entered: 03/11/2008)
05/14/2008	5	PRO SE MEMORANDUM dated 5/8/08 re: CHANGE OF ADDRESS for Jeffrey Benjamin. New Address: 152-22 135 Avenue, Queens, NY, 11434. (djc) (Entered: 05/14/2008)
06/09/2008	6	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint), Order Dismissing Complaint (I.F.P.). Document filed by Jeffrey Benjamin. (tp) (Entered: 07/01/2008)
06/09/2008		Appeal Remark as to 6 Notice of Appeal filed by Jeffrey Benjamin. \$455.00 APPEAL FEE DUE. IFP REVOKED 3/3/08. (tp) (Entered: 07/01/2008)
07/01/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 6 Notice of Appeal. (tp) (Entered: 07/01/2008)
07/01/2008		Transmission of Notice of Appeal to the District Judge re: 6 Notice of Appeal. (tp) (Entered: 07/01/2008)